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09/872,817	05/31/2001	Brian A. Perry	002558-065100US	3378

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EXAMINER

QUAN, ELIZABETH S

ART UNIT	PAPER NUMBER
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1743

DATE MAILED: 01/06/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/872,817

Applicant(s)

PERRY, BRIAN A.

Examiner

Elizabeth Quan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No.

4,832,842 to Limb.

Referring to claim 3, Limb discloses a vacuum manifold (10) for accommodating an adapter and receptacle (12) (see ABSTRACT; FIGS. 1, 2, 5, 6, and 8; COL. 1, lines 44-47). The adapter comprises a plate (16) and plurality of individually removable plugs (84) (see FIGS. 1, 2, 5, 6, and 8; COL. 1, lines 44-47; COL. 3, lines 3-30). The plate (16) has a plurality of through-passages (38) embedded with a female portion (53) of a male-female-type airtight manually operable connector (52,53) (see FIGS. 1, 2, 5, 6, and 8; COL. 1, lines 66 and 67; COL. 2, lines 36-51 and 64-68; COL. 3, lines 1 and 2). Each of the plugs (84) is shaped to mate with a through-passage (56) of one of the female portions (53) to form a substantially airtight closure of the through-passage (56) (see FIG. 8; COL. 3, lines 3-30). The receptacle (12) with an open top has a port (32) for drawing a partial vacuum in the receptacle (12) (FIGS. 1, 2, and 5; COL. 1, lines 44-52 and 62-65). The receptacle (12) has a shoulder (18a) encircling along an inner edge (18) of the open top for supporting the plate (16) across the open top (see FIGS. 1, 2, and 5-8; COL. 1, lines 44-61). The vacuum manifold is designed to produce a vacuum-induced flow through all

the through-passages (38) of a multi-well plate, and the adapter renders the vacuum manifold (10) usable for producing vacuum-induced flow through one or a plurality of filtering components (70) terminating in male portions of male-female-type airtight manually operable connectors whose male and female portions are interlocking by sealing o-ring (60) (see ABSTRACT; FIGS. 1-8; COL. 1, lines 44-65; COL. 2, lines 22-68; COL. 3, lines 13, 14, and 20-39). According to Merriam-Webster Collegiate Dictionary, interlock is defined as to become locked together or interconnected or united, and interconnected is defined as to connect with one another or to be or become mutually connected. The male and female portions are connected with one another by the sealing o-ring.

The preamble, which recites a vacuum manifold for interchangeably accommodating a multi-well plate and one or a plurality of individual chromatography columns terminating in male portions of one or a plurality of female-type air-tight manually operable connectors whose male and female portions are interlocking, has been construed as intended use (see MPEP 2111.02). A recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus if the prior art apparatus teaches all the structural limitations of the claim. An apparatus claim covers what a device is, not what a device does (see MPEP 2114). In this case it does not matter what the manifold or female portion(s) is used for whether the manifold is used for providing a vacuum or the female portion(s) is used to interlock with the male portion(s) such that the chromatography column(s) terminate in male portion(s).

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It is noted that the male portion(s) has/have not been positively recited.

Therefore, the male portion(s) is/are not accorded patentable weight in the claim.

Although the prior art does teach the male portion(s), it is noted that the prior art does not have to teach or fairly suggest limitations that are not positively recited.

Therefore, Limb includes all the limitations in claims 3.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,832,842 to Limb in view of U.S. Patent No. 6,491,873 to Roberts et al.

Referring to claim 1, Limb discloses a vacuum manifold (10) for accommodating an adapter and receptacle (12) (see ABSTRACT; FIGS. 1, 2, 5, 6, and 8; COL. 1, lines 44-47). The adapter comprises a plate (16) and plurality of individually removable plugs (84) (see FIGS. 1, 2, 5, 6, and 8; COL. 1, lines 44-47; COL. 3, lines 3-30). The plate (16)

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has a plurality of through-passages (38) embedded with a female portion (53) of a male-female-type airtight manually operable connector (52,53) (see FIGS. 1, 2, 5, 6, and 8; COL. 1, lines 66 and 67; COL. 2, lines 36-51 and 64-68; COL. 3, lines 1 and 2). Each of the plugs (84) is shaped to mate with a through-passage (56) of one of the female portions (53) to form a substantially airtight closure of the through-passage (56) (see FIG. 8; COL. 3, lines 3-30). The receptacle (12) with an open top has a port (32) for drawing a partial vacuum in the receptacle (12) (FIGS. 1, 2, and 5; COL. 1, lines 44-52 and 62-65). The receptacle (12) has a shoulder (18a) encircling along an inner edge (18) of the open top for supporting the plate (16) across the open top (see FIGS. 1, 2, and 5-8; COL. 1, lines 44-61). The vacuum manifold is designed to produce a vacuum-induced flow through all the through-passages (38) of a multi-well plate, and the adapter renders the vacuum manifold (10) usable for producing vacuum-induced flow through one or a plurality of filtering components (70) terminating in male portions of male-female-type airtight manually operable connectors whose male and female portions are interlocking by sealing o-ring (60) (see ABSTRACT; FIGS. 1-8; COL. 1, lines 44-65; COL. 2, lines 22-68; COL. 3, lines 13, 14, and 20-39). According to Merriam-Webster Collegiate Dictionary, interlock is defined as to become locked together or interconnected or united, and interconnected is defined as to connect with one another or to be or become mutually connected. The male and female portions are connected with one another by the sealing o-ring.

The preamble, which recites a vacuum manifold for interchangeably accommodating a multi-well plate and one or a plurality of individual chromatography

columns terminating in male portions of one or a plurality of female-type air-tight manually operable connectors who male and female portions are interlocking, has been construed as intended use (see MPEP 2111.02). A recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus if the prior art apparatus teaches all the structural limitations of the claim. An apparatus claim covers what a device is, not what a device does (see MPEP 2114). In this case it does not matter what the manifold or female portion(s) is used for whether the manifold is used for providing a vacuum or the female portion(s) is used to interlock with the male portion(s) such that the chromatography column(s) terminate in male portion(s).

It is noted that the male portion(s) has/have not been positively recited. Therefore, the male portion(s) is/are not accorded patentable weight in the claim. Although the prior art does teach the male portion(s), it is noted that the prior art does not have to teach or fairly suggest limitations that are not positively recited.

Limb does not explicitly disclose an internal shoulder encircling the open top and sized to receive the plate. However, Roberts et al. disclose a receptacle (64) with an internal shoulder encircling the open top sized to receive a plate with a plurality of separation columns (see FIG. 2; COL. 3, lines 52-59). The configuration ensures appropriate alignment and airtight connection between the receptacle and plate to maintain a sufficient vacuum for separation processes. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Limb to include an internal shoulder encircling the open top and

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sized to receive the plate as in Roberts et al. for appropriate alignment and airtight connection between the receptacle and plate for a sufficient vacuum in separation processes.

10. Alternatively, claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,832,842 to Limb in view of U.S. Patent No. 5,603,899 to Franciskovich et al. and U.S. Patent No. 6,491,873 to Roberts et al.

Referring to claim 1, Limb discloses a vacuum manifold (10) for accommodating an adapter and receptacle (12) (see ABSTRACT; FIGS. 1, 2, 5, 6, and 8; COL. 1, lines 44-47). The adapter comprises a plate (16) and plurality of individually removable plugs (84) (see FIGS. 1, 2, 5, 6, and 8; COL. 1, lines 44-47; COL. 3, lines 3-30). The plate (16) has a plurality of through-passages (38) embedded with a female portion (53) of a male-female-type airtight manually operable connector (52,53) (see FIGS. 1, 2, 5, 6, and 8; COL. 1, lines 66 and 67; COL. 2, lines 36-51 and 64-68; COL. 3, lines 1 and 2). Each of the plugs (84) is shaped to mate with a through-passage (56) of one of the female portions (53) to form a substantially airtight closure of the through-passage (56) (see FIG. 8; COL. 3, lines 3-30). The receptacle (12) with an open top has a port (32) for drawing a partial vacuum in the receptacle (12) (FIGS. 1, 2, and 5; COL. 1, lines 44-52 and 62-65). The receptacle (12) has a shoulder (18a) encircling along an inner edge (18) of the open top for supporting the plate (16) across the open top (see FIGS. 1, 2, and 5-8; COL. 1, lines 44-61). The vacuum manifold is designed to produce a vacuum-induced flow through all the through-passages (38) of a multi-well plate, and the adapter renders the vacuum manifold (10) usable for producing vacuum-induced flow through one or a plurality of

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filtering components (70) terminating in male portions of male-female-type airtight manually operable connectors whose male and female portions are interlocking by sealing o-ring (60) (see ABSTRACT; FIGS. 1-8; COL. 1, lines 44-65; COL. 2, lines 22-68; COL. 3, lines 13, 14, and 20-39). According to Merriam-Webster Collegiate Dictionary, interlock is defined as to become locked together or interconnected or united, and interconnected is defined as to connect with one another or to be or become mutually connected. The male and female portions are connected with one another by the sealing o-ring.

The preamble, which recites a vacuum manifold for interchangeably accommodating a multi-well plate and one or a plurality of individual chromatography columns terminating in male portions of one or a plurality of female-type air-tight manually operable connectors whose male and female portions are interlocking, has been construed as intended use (see MPEP 2111.02). A recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus if the prior art apparatus teaches all the structural limitations of the claim. An apparatus claim covers what a device is, not what a device does (see MPEP 2114). In this case it does not matter what the manifold or female portion(s) is used for whether the manifold is used for providing a vacuum or the female portion(s) is used to interlock with the male portion(s) such that the chromatography column(s) terminate in male portion(s).

It is noted that the male portion(s) has/have not been positively recited. Therefore, the male portion(s) is/are not accorded patentable weight in the claim.

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Although the prior art does teach the male portion(s), it is noted that the prior art does not have to teach or fairly suggest limitations that are not positively recited.

Limb does not explicitly disclose a chromatographic medium within the male portions. However, it is well known in the art to provide a chromatographic separation medium as evidenced by Franciskovich et al. Franciskovich et al. disclose chromatographic separation medium above the filter fixed within the through-passage of the body of a separation column for entrapping specific constituents of the sample to be separated (see FIG. 5; COL. 3, lines 54-67; COL. 4, lines 1 and 2). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the vacuum manifold of Limb to include a chromatographic separation medium above the filter as in Franciskovich et al. to entrap specific constituents of the sample to be separated.

Limb does not explicitly disclose an internal shoulder encircling the open top and sized to receive the plate. However, Roberts et al. disclose a receptacle (64) with an internal shoulder encircling the open top sized to receive a plate with a plurality of separation columns (see FIG. 2; COL. 3, lines 52-59). The configuration ensures appropriate alignment and airtight connection between the receptacle and plate to maintain a sufficient vacuum for separation processes. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Limb to include an internal shoulder encircling the open top and sized to receive the plate as in Roberts et al. for appropriate alignment and airtight

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connection between the receptacle and plate for a sufficient vacuum in separation processes.

5. Alternative, claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,832,842 to Limb in view of U.S. Patent No. 5,603,899 to Franciskovich et al.

Referring to claim 3, Limb discloses a vacuum manifold (10) for accommodating an adapter and receptacle (12) (see ABSTRACT; FIGS. 1, 2, 5, 6, and 8; COL. 1, lines 44-47). The adapter comprises a plate (16) and plurality of individually removable plugs (84) (see FIGS. 1, 2, 5, 6, and 8; COL. 1, lines 44-47; COL. 3, lines 3-30). The plate (16) has a plurality of through-passages (38) embedded with a female portion (53) of a male-female-type airtight manually operable connector (52,53) (see FIGS. 1, 2, 5, 6, and 8; COL. 1, lines 66 and 67; COL. 2, lines 36-51 and 64-68; COL. 3, lines 1 and 2). Each of the plugs (84) is shaped to mate with a through-passage (56) of one of the female portions (53) to form a substantially airtight closure of the through-passage (56) (see FIG. 8; COL. 3, lines 3-30). The receptacle (12) with an open top has a port (32) for drawing a partial vacuum in the receptacle (12) (FIGS. 1, 2, and 5; COL. 1, lines 44-52 and 62-65). The receptacle (12) has a shoulder (18a) encircling along an inner edge (18) of the open top for supporting the plate (16) across the open top (see FIGS. 1, 2, and 5-8; COL. 1, lines 44-61). The vacuum manifold is designed to produce a vacuum-induced flow through all the through-passages (38) of a multi-well plate, and the adapter renders the vacuum manifold (10) usable for producing vacuum-induced flow through one or a plurality of filtering components (70) terminating in male portions of male-female-type airtight manually operable connectors whose male and female portions are interlocking by

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sealing o-ring (60) (see ABSTRACT; FIGS. 1-8; COL. 1, lines 44-65; COL. 2, lines 22-68; COL. 3, lines 13, 14, and 20-39). According to Merriam-Webster Collegiate Dictionary, interlock is defined as to become locked together or interconnected or united, and interconnected is defined as to connect with one another or to be or become mutually connected. The male and female portions are connected with one another by the sealing o-ring.

The preamble, which recites a vacuum manifold for interchangeably accommodating a multi-well plate and one or a plurality of individual chromatography columns terminating in male portions of one or a plurality of female-type air-tight manually operable connectors who male and female portions are interlocking, has been construed as intended use (see MPEP 2111.02). A recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus if the prior art apparatus teaches all the structural limitations of the claim. An apparatus claim covers what a device is, not what a device does (see MPEP 2114). In this case it does not matter what the manifold or female portion(s) is used for whether the manifold is used for providing a vacuum or the female portion(s) is used to interlock with the male portion(s) such that the chromatography column(s) terminate in male portion(s).

It is noted that the male portion(s) has/have not been positively recited. Therefore, the male portion(s) is/are not accorded patentable weight in the claim. Although the prior art does teach the male portion(s), it is noted that the prior art does not have to teach or fairly suggest limitations that are not positively recited.

While Limb does not explicitly disclose a chromatographic medium within the male portions, it is well known in the art to provide a chromatographic separation medium as evidenced by Franciskovich et al. Franciskovich et al. disclose chromatographic separation medium above the filter fixed within the through-passage of the body of a separation column for entrapping specific constituents of the sample to be separated (see FIG. 5; COL. 3, lines 54-67; COL. 4, lines 1 and 2). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the vacuum manifold of Limb to include a chromatographic separation medium above the filter as in Franciskovich et al. to entrap specific constituents of the sample to be separated.

Response to Arguments

6. Applicant's arguments filed 9/22/2003 have been fully considered but they are not persuasive.

7. Applicant submits that Examiner in the last Response to Arguments has misread Applicant's description of the "interlocking" connection as stated in the first paragraph of page 5 of the response: "The connection referred to is indeed between the female portion and the male portion not between the female portion and the through-passage... What is embedded in the passage is the female portion of the connection, not the connection itself." Examiner refers to the last response in which Examiner was explaining that there was no support for the male and female portions interlocking. Examiner referred to the beginning on line 1 of page 2 of the specification of the instant application to show that while the specification mentions the term

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“interlocking” it is between the female portion and the through-passage not between the female portion and male portion.

8. Applicant traverses the 102(b) rejection based on an interpretation of “interlock” by stating that the Examiner only consulted a dictionary and did not ascertain how those of skill in the art used the term as required by the Federal Circuit and interlock does not encompass the use of o-rings. Applicant further states that the pending claims must be given their broadest reasonable interpretation consistent with the specification. Applicant further states *Vitronics Corp. v. Conceptronic, Inc.* and *In re Cortright* that prior art may be indicative of what all those skilled in the art generally believe a certain term means... [and] can often help to demonstrate how a disputed term is used by those of skill in the art. Applicant provided references of interlocking by Laska and Babson. Examiner would like to note that Applicant has agreed that the male portion is accorded no patentable weight. Therefore, the term “interlocking” is accorded no patentable weight since the claims recite “male and female portions are interlocking.” Examiner notes that the instant specification has not used the term “interlock” between male and female portions. Furthermore, Limb discloses that the male portion is fitted through the female portion (53) and sealed by an o-ring (6) (fig. 7; col. 2, lines 64-67). Below the o-ring the male portion may engage another part of the female portion to stable support the female portion in proper vertical position, such that interlocking is also accomplished (fig. 7; col. 2, lines 64-67). The o-ring functions to frictionally engage or interlock the male portion within the female portion. The o-ring locks and interconnects the male portion within the female portion to provide stable support structure.

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Although the Applicant has provided prior art to show interlocking structures that explicitly use the term “interlock”, Applicant is not successful in characterizing what makes structure interlock. Applicant attempts to demonstrate that o-rings are never involved in interlocking structures but in sealing structures. Examiner notes that sealing two structures together interlock two structures together. Applicant cites that Laska’s center section (3) and cover section (4) are interlocked by the snug fit of the cover section rim (7) into the U-shaped recess of the center section rim (9). Applicant also cites that an o-ring is optionally added in order to improve the seal between cover section rim (7) and center section rim (9). Applicant further notes that the interlock of the rims is not created by the o-ring, which is a sealing device that merely improves the seal formed by the rims such that the o-ring does not interlock or provide overlap with the stem. Examiner notes that the o-ring also participates in interlocking. In fact, the o-ring improves the interlocking. Examiner emphasizes that Limb’s male and female portions are interlocked by the snug fit of the male portion into the female portion. They interlock by the male engaging another part of the female, such that there is an overlap between the male and female (col. 2, lines 64-67). The o-ring is involved in interlocking by providing the snug fit of the male within the female. The o-ring provides a tight connection and overlap between the male and female and improves the interlocking. The o-ring seals, interconnects, overlaps, and interlocks the male and female. Indeed, o-rings are very well known to seal, but they are not excluded from other functions. The male and female portions interlock without the requirement of external pressure.

Babson is also cited to emphasize interlocking and how o-rings are not involved. Previous comments apply.

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It is further emphasized that Applicant agrees that "interlock" is not accorded patentable weight, and therefore, the term interlock cannot render the art rejections moot. Regarding obviousness rejections, the same comments apply to the term "interlock." Applicant states: "Whatever Roberts et al. disclose, both Limb and Roberts et al. fail to disclose a block that contains the female portion of a male-female portion." First, the claims never recite "block." Second, Applicant has traversed that male and female portions do not interlock thus acknowledging that the prior art has female portions. The prior art disclose a plate containing female portion of a male-female portion.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth Quan whose telephone number is (703) 305-1947. The examiner can normally be reached on M-F (8:00-4:30).

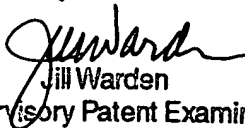
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on (703) 308-4037. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Elizabeth Quan
Examiner
Art Unit 1743

eq


Jill Warden
Supervisory Patent Examiner
Technology Center 1700